

REMARKS

By this Amendment, Applicant has amended claims 1, 9-12, 17, 18, 20, 28-29, 34-35, and 37, canceled claims 8, 27, 30, 33, and 36, and added new claims 38-41, such that claims 1-7, 9-26, 28-29, 31-32, 34-35, and 37-41 are pending in this application.

In the outstanding Office Action, the Examiner objected to claims 28-30 and 34-36 for certain informalities; rejected claims 1, 3, 12, 21, and 33 under 35 U.S.C. § 101; rejected claims 1-9, 12-24, and 31-37 under 35 U.S.C. § 103(a) as being unpatentable over Kurzius et al. (U.S. Patent No. 6,385,620) in view of Tracey et al. (U.S. Patent No. 6,798,413); and rejected claims 10-11 and 25-30 under 35 U.S.C. § 103(a) as being unpatentable over Kurzius et al. in view of Nadkarni (US. Patent No. 6,266, 659), in further view of Tracey et al. Applicant respectfully traverses these rejections.¹

Applicant wishes to thank Examiners Boyce and Diaz for allowing Applicant's representatives to discuss the pending claims during a telephonic interview on January 12, 2006. During the interview, Applicant discussed the differences between the claimed invention and the prior art of record. Examiner Boyce and Diaz indicated they understood the differences and would reconsider the cited references after the submission of a formal response.

¹ Applicant submits that the remarks made in this Amendment are sufficient to overcome the Examiner's rejections. Accordingly, any silence by Applicant to the assertions made by the Examiner in rejecting the claims is not a concession by Applicant that those assertions were proper or correct. Further, the Office Action contains a number of statements characterizing the related art and the claims. Regardless of whether this Amendment identifies any such statements, Applicant declines to automatically subscribe to those statements in the Office Action.

I. Claim Objections

The Examiner objected to claims 28-30 and 34-36 because of informalities. Applicant has amended claims 28-29 and 34-35 to correct the identified informalities, and canceled claims 30 and 36. Accordingly, Applicant respectfully requests that the Examiner withdraw the objections to claims 28-30 and 34-36.

II. Rejections Under 35 U.S.C. § 101

With regard to the rejection under 35 U.S.C. § 101, the Examiner asserts that claims 1, 3, 12, 21, and 33 are directed to non-statutory subject matter. In particular, the Examiner asserts that independent claims 1 and 12 recite “merely a nominal recitation of technology and does not overcome the technological arts rejection.” (O.A. at 2-3.) Applicant respectfully traverses the Examiner’s rejection. As noted in the “Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility” issued on October 26, 2005, the “technological arts” requirement is no longer a proper test to determine subject matter eligibility under 35 U.S.C. § 101. As such, Applicant request the Examiner to withdraw the rejections of claims 1, 3, 10, 12, 21, and 33 under 35 U.S.C. § 101.

III. Rejections Under 35 U.S.C. § 103

Applicant respectfully traverses the rejection of claims 1-9, 12-24, and 31-37 under 35 U.S.C. § 103(a) as being unpatentable over Kurzius et al. in view of Tracey et al.

To establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), each of three requirements must be met. First, the reference or references, taken alone or

combined, must teach or suggest each and every element recited in the claims.

M.P.E.P. § 2143.03. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention.

Id. at § 2143.01. Third, a reasonable expectation of success must exist that the proposed modification will work for the intended purpose. *Id.* at § 2143.02. Moreover, each of these requirements must “be found in the prior art, and not be based on applicant’s disclosure.” *Id.* at § 2143. Here, the cited references fail to teach or suggest all the elements of claims 1-9, 12-24, and 31-37.

Independent claims 1, 9, 12, 17, 18, 20, and 37 are patentably distinguishable from Kurzius et al. and Tracey et al. For example, claim 1 relates to a computer-implemented method for ordering workers for a client. The method includes receiving an order request processed in a number of stages. Claim 1 further recites “providing a summary of action taken on the order request during each processing stage and providing, for at least one processing stage, text based on an electronic mail associated with the order request.” Claims 9, 12, 17, 18, and 37, although of different scope, recite similar elements.

In the Office Action, the Examiner correctly admits that “Kurzius et al. does not ... disclose displaying, for each processing stage, text of an electronic mail sent to a user associated with the order request....” (O.A. at 8.) The Examiner, however, relies upon Kurzius et al. and Tracey et al. for a teaching of this feature. (O.A. at 8.) In particular, the Examiner asserts that Kurzius et al. discloses a variety of communication methods, such as electronic mail. (Col. 14, lines 28-32.) Further, the Examiner alleges that

Tracey et al. discloses graphically determining who is responsible for a project at any stage, displaying status information derived from a database, and updating that information as work is performed. (Col. 3, lines 1-6.) The Examiner also vaguely asserts that Tracey et al. discloses “applications for the features described in a variety of workflow contexts, include tracking and managing of tasks.” (O.A. at 8; citing Col. 5, lines 49-56.) From these general statements concerning purported teachings of Kurzius et al. and Tracey et al., the Examiner concludes that it would have been obvious to “include ... status display components correspond[ing] to a series of bars equal to the number of stages in Kurzius et al.” (O.A. at 8.)

Applicant respectfully disagrees. First, the Examiner’s allegation that it would have been obvious “to include ... status display components correspond[ing] to a series of bars” has nothing to do with “providing, for at least one processing stage, text based on an electronic mail associated with the order request,” as recited in claim 1. Thus, the Examiner has failed to establish a *prima facie* case of obviousness. Second, neither Kurzius et al. or Tracy et al., taken alone or in any proper combination, disclose or suggest “providing, for at least one processing stage, text based on an electronic mail associated with the order request,” as recited in claim 1. For example, Kurzius et al. merely discloses that “electronic mail can be sent to a candidate.” (Col. 14, line 32.) The portions of Tracey et al. relied upon by the Examiner do not even mention providing text based on an electronic mail, let alone where the electronic mail is associated with an order request and the displayed text is for a processing stage of the order request.

For the above reasons, Applicant submits that claims 1, 9, 12, 17, 18, 20, and 37 are allowable over Kurzius et al. and Tracey et al. Claims 2-7, 13-16, 19, 21-24 31-32,

and 34-35 are also allowable, at least due to their dependence from one of claims 1, 9, 12, 17, and 18. Accordingly, Applicant respectfully submits that the Examiner should withdraw the rejections under § 103.

Furthermore, claim 7 recites additional features not taught or suggested by the cited references. Claim 7 recites “generating a second display screen including a listing of order requests” and “associating with each order request listed in the second display screen the corresponding status display component.” The Examiner again alleges that Kurzius et al. teaches these features—here, apparently, by disclosing that “the employer database and job posting are updated to reflect the addition of a new posting 1306, figure 13” and “[determining] which step of the process the job posting is currently at, figure 13.” (O.A. at 7-8.) Applicant submits that these statement in no way teach the elements of claim 7. Indeed, the Examiner has not even cited to a portion of Kurzius et al. that purportedly supports the Examiner’s allegations. Claim 20, although of different scope, recites similar elements.

Finally, with respect to the rejection of claims 10-11 and 25-30 under 35 U.S.C. § 103(a) as being unpatentable over Kurzius et al. and Nadkarni, and in further view of Tracey et al., Applicant submits that claims 10-11, although of different scope, recite elements similar to those discussed above with regard to claims 1, 9, 12, and 17. Accordingly, for the reasons above, Applicant submits that claims 10-11 are allowable over Kurzius et al., Tracey et al., and Nadkarni. Furthermore, Nadkarni does not make up for the deficiencies of Kurzius et al. and Tracey et al. Indeed, the Examiner applies Nadkarni only for its alleged teaching of an “employer search restricted to groups of vendors...” (O.A. at 14-15.) Accordingly, Applicant submits that

claims 10-11 are allowable over the cited references and that the rejection under § 103(a) should be withdrawn. Claims 25-30 are also allowable over Kurzius et al., Tracey et al., and Nadkarni at least due to their dependence from one of claims 10-11.

New claims 38-41 depend from independent claim 1. As discussed above, the cited references fail to teach or suggest all the elements of claim 1. Accordingly, claims 38-41 are allowable for at least the same reasons as independent claim 1. Furthermore, claims 38-40 recite additional features not taught or suggested by the cited references. Therefore, claims 38-41 are also allowable for these additional reasons.

IV. Conclusion

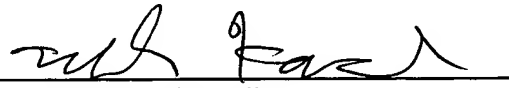
In view of the foregoing remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims 1-7, 9-26, 28-29, 31-32, 34-35, and 37-41.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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